



04 APR 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

#9

Milan M. Vinnola
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

In re Application of	:	
TAYLOR et al.	:	
Application No.: 10/524,252	:	
PCT No.: PCT/US03/21271	:	DECISION ON
Int. Filing Date: 09 July 2003	:	PAPERS UNDER 37 CFR 1.42
Priority Date: 09 July 2002	:	
Attorney Docket No.: 16218.013	:	
For: MICROFINE ZINC-GLYCEROL	:	
COMPLEXES	:	

This decision is in response to "Renewed Submission under 37 CFR 1.42" filed 07 March 2006. No petition fee is required.

BACKGROUND

On 09 July 2003, applicants filed the above-identified international application which claimed a priority date of 09 July 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 09 January 2005.

On 09 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a petition to revive under 37 CFR 1.137(b). In a Decision on Petition dated 20 May 2005, applicants' petition to revive was granted.

On 06 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 15 December 2005, applicants filed a declaration executed by David Fairlie, Robert M. Moffitt and Margaret Taylor, on behalf of deceased inventor, Reginald Taylor. In a decision dated 02 February 2006, applicants' request under 37 CFR 1.42 was refused.

On 07 March 2006, applicant filed the renewed request under 37 cFR 1.42 and a Supplemental Application Data Sheet.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

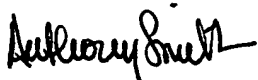
As stated in the previous petition, the declaration filed on 15 December 2005 is executed by David Fairlie, Robert M. Moffitt and Margaret Taylor as the "legal representative" of the deceased inventor, Reginald Taylor. Counsel avers that deceased inventor's citizenship, address and post office address and the citizenship, address and post office address of the deceased inventor's legal representative are the same. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 09 July 2003, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **07 March 2006**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459